

# MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large  
Dr. Alan B. Coleman, Mayor Pro Tem  
Audwin Samuel, Ward III  
Tyrone E. Cooper, City Attorney

**BECKY AMES, MAYOR**  
CITY COUNCIL MEETING  
June 24, 2014  
Kyle Hayes, City Manager

Gethrel Wright, At-Large  
Michael D. Getz, Ward II  
Jamie Smith, Ward IV  
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **June 24, 2014**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

## OPENING

- \* Invocation                      Pledge of Allegiance                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda items 6 and 7/Consent Agenda
- \* Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor Gerald Bryant of the Pilgrim Rest Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Stephanie Gandy, Deputy City Clerk.

Present at the meeting were Mayor Ames, Councilmembers Getz (arrived at 1:34 p.m.), Wright, Pate (arrived at 1:34 p.m.), Samuel and Smith. Absent: Mayor Pro Tem Coleman, City Manager, Kyle Hayes and City Clerk, Tina Broussard. Also present were Tyrone Cooper, City Attorney; Stephanie Gandy, Deputy City Clerk.

**Mayor Pro Tem Coleman was in Austin for the It's Time Texas Summit Awards recognizing exemplary health champions who work to build and sustain healthy communities across Texas.**

**City Manager, Kyle Hayes is serving on Jury Duty.**

## Proclamations, Presentations, Recognitions

**Beaumont Metropolitan PTA Board** – Christopher Jones, President, presented the PTA Honorary Life Membership Certificate to Mayor Ames

**Public Comment:** Persons may speak on scheduled agenda items 6 and 7/Consent Agenda.

**None**

## CONSENT AGENDA

- \* Approval of minutes - **June 17, 2014**
- \* Confirmation of committee appointments - **Resolution 14 - 136**

Pablo Zuniga would be reappointed to the Convention and Tourism Advisory Board. The current term would expire June 16, 2016. (Mayor Becky Ames)

- A) Authorize the execution of a License to Encroach Agreement with Martin Alfaro located at Craig Street and Avenue E – **Resolution 14 - 137**

Councilmember Pate moved to approve the Consent Agenda. Councilmember Getz seconded the motion.

**AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

## GENERAL BUSINESS

1. Consider an ordinance approving the rezoning of property from RM-H (Residential Multiple Family Dwelling-Highest Density) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 4755 Eastex Freeway authorizing.

Bruce W. McVeigh is requesting a zone change.

The purpose of the zone change is to correct the split zoning of the property. Mr. McVeigh is planning to open a Neighbors Emergency Center at this location. The majority of the property is zoned GC-MD. When Mr. McVeigh contacted the city regarding the possibility of demolishing an existing building to accommodate much needed additional parking, he discovered that the portion of the property where the building sits is zoned RM-H. Adjacent property has been previously rezoned to GC-MD leaving an odd shaped piece of the zoning district on the subject property.

At a Joint Public Hearing held June 16, 2014, the Planning Commission recommended 5:0 to approve a rezoning from RM-H (Residential Multiple Family Dwelling-Highest Density) District to GC-MD (General Commercial-Multiple Family Dwelling) District at 4755 Eastex Freeway.

Approval of ordinance.

Councilmember Samuel moved to **ADOPT AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RM-H (RESIDENTIAL MULTIPLE FAMILY DWELLING- HIGHEST**

DENSITY) DISTRICT TO GC-MD (GENERAL COMMERCIAL – MULTIPLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED AT **4755 EASTEX FREEWAY, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEAL; AND PROVIDING A PENALTY.** Councilmember Wright seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

### **Ordinance 14 - 025**

2. Consider an ordinance approving a specific use permit to allow an animal shelter and adoption center in a PUD (Planned Unit Development) District on property located on the west side of Major Drive near Perl Road.

The Humane Society of Southeast Texas has applied for a specific use permit.

The applicant plans to offer a facility that will not only enhance the behavior and physical health of the animals, but become a destination for the community. A park like setting will accommodate walking trails as well as a dog park open to the public.

The hours of operation for the shelter are typically 8 a.m. to 5 p.m. seven days per week with adoption hours starting at 11 a.m. Tuesday through Saturday and 1 p.m. on Sunday. Plans are to maintain 150 ft. of naturally wooded landscaping between the shelter and its neighbors and play yards for dogs would be located a minimum of 400 ft. from adjacent residential neighborhoods.

At a Joint Public Hearing held June 16, 2014, the Planning Commission recommended 5:0 to approve a specific use permit to allow an animal shelter and adoption center in a PUD (Planned Unit Development) District on property located on the west side of Major Drive 1 ½ miles north of Highway 105, subject to the following condition:

1. A natural buffer being 150 ft. wide by 900 ft. in depth along the south property line be delineated on the site plan and remain undisturbed.

Approval of ordinance with the following condition:

1. A natural buffer being 150 ft. wide by 900 ft. in depth along the south property line be delineated on the site plan and remain undisturbed.

Councilmember Wright moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW AN ANIMAL SHELTER AND ADOPTION CENTER IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT ON PROPERTY LOCATED ON THE WEST SIDE OF MAJOR, DRIVE NEAR PERL ROAD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

**Ordinance 14 – 026**

3. Consider an ordinance approving the rezoning of property from GC-MD-2 (General Commercial-Multiple Family Dwelling-2) to RM-H (Residential Multiple Family Dwelling-High Density) District to allow single family housing located west of 7080 Calder Avenue.

Buckner Retirement Services, Inc. D/B/A Calder Woods.

Calder Woods requested the rezoning of the ~3.384 acres to expand onto these adjacent tracts in the near future. The current GC-MD-2 (General Commercial-Multiple Family Dwelling-2) zoning does not allow for the construction of single family dwellings.

At a Joint Public Hearing held June 16, 2014, the Planning Commission recommended 5:0 to approve a rezoning from GC-MD (General Commercial-Multiple Family Dwelling-2) District to RM-H (Residential Multiple Family Dwelling-Highest Density) District for the ~3.384 acres located west of 7080 Calder Avenue.

Approval of ordinance.

Councilmember Getz moved to **ADOPT AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED GC-MD-2 (GENERAL COMMERCIAL- MULTIPLE FAMILY DWELLING-2) DISTRICT TO RM-H (RESIDENTIAL MULTIPLE FAMILY DWELLING-HIGH DENSITY) DISTRICT FOR PROPERTY LOCATED WEST OF 7080 CALDER AVENUE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Wright seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

**Ordinance 14 - 027**

4. Consider an ordinance approving a specific use permit to allow a bar in a GC-MD General Commercial-Multiple Family Dwelling) District at 2345 Calder Avenue.

Luke's Icehouse has applied for a specific use permit.

The specific use permit would allow for the expansion of a bar. Gary Wallace, on behalf of Luke's Icehouse, states that the building at 2345 Calder is in disrepair and currently vacant. Luke's wishes to save this building, repurposing it for the expansion of their growing business. Much needed additional parking will be located on the west side of the building.

At a Joint Public Hearing held June 16, 2014, the Planning Commission recommended 5:0 to approve a specific use permit to allow a bar in a GC-MD (General Commercial-Multiple Family Dwelling) District at 2345 Calder Avenue.  
Approval of ordinance.

Councilmember Smith moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A BAR IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 2345 CALDER AVENUE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

**AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

#### **Ordinance 14 - 028**

5. Consider an ordinance approving a revised specific use permit to allow a secondary school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 3380 Fannin Street.

Girls' Haven, Inc., on behalf of The Ehrhart School, is requesting a specific use permit.

The applicant wants to remove three existing modular structures and construct a new 365 ft. educational facility. The proposed facility will consist of fourteen classrooms, a multi-media center and gymnasium. The three modular structures to be removed are currently sitting on much needed parking.

At a Joint Public Hearing held June 16, 2014, the Planning Commission recommended 5:0 to approve a revised specific use permit to allow a secondary school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 3380 Fannin Street.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE ISSUING AN AMENDED SPECIFIC USE PERMIT TO ALLOW A SECONDARY SCHOOL IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 3380 FANNIN STREET, IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Getz seconded the motion.

**AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

#### **Ordinance 14 – 029**

6. Consider approving a resolution authorizing the engagement of Bracewell & Giuliani LLP, as bond counsel relating to the proposed issuance of Waterworks and Sewer System Revenue and Refunding Bonds at a fee of .15% or 15 basis points of the face amount of the Bonds issued.

As discussed in the presentation to Council on June 17, the City ordinance that is currently in place for revenue bonds requires either a AAA rated surety policy or the establishment of a water reserve bond fund whereby the average annual debt service is set aside in a restricted fund over five years and must remain there until maturity or an advanced refunding. There are no longer AAA surety policies available; therefore, a water reserve bond fund was established for the Series 2010 issue and Series 2012 issue. The projected balance in the reserve fund is \$2.1 million at September 30, 2014. The cash for this fund comes from the revenues of the Water Fund and is a burden to the fund. The solution to this problem is to draft a new ordinance that is in a second lien position to the existing ordinance and does not require a reserve fund.

Bracewell & Giuliani LLP has one of the largest public finance practices in Texas and the nation. The practice has 40 years of experience in all aspects of public and private offerings of debt securities by state and local governments. Staff has worked with Derrick Mitchell, attorney with the firm, to draft the new ordinance. He has also worked with the City's Financial Advisor related to the proposed revenue and refunding bonds.

Water Fund - The fee on the proposed revenue and refunding bonds of \$82,890,000 would be \$124,335.

Approval of resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY IS AUTHORIZED TO AND HEREBY EMPLOYS BRACEWELL & GIULIANI LLP, OF HOUSTON, TEXAS, AS BOND COUNSEL FOR THE ISSUANCE OF THE BONDS, PURSUANT TO THE TERMS OF THE ENGAGEMENT LETTER DATED JUNE 16, 2014, PRESENTED BY BRACEWELL & GIULIANI LLP, TO THE CITY.** Councilmember Smith seconded the motion.

**AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

### **Resolution 14 - 138**

7. Consider approving a resolution authorizing the purchase of a wheeled excavator from Mustang Cat, Inc. of Houston for use by the Streets and Drainage Division.

The wheeled excavator is a multi-task machine that will be used by the Streets and Drainage water cut crews. It is used to remove existing concrete and asphalt, cut, grade and install necessary base material when repairing water and sewer lines under streets and sidewalks. The machine is self-propelled and will not require being hauled to the job site. The machine can also be used to assist with emergency debris removal. It is a new

addition to the City's fleet of heavy equipment.

Pricing was obtained through the Buyboard Cooperative Purchasing Program. Buyboard provides cities and political subdivisions with the means to purchase specialized equipment at volume pricing. Buyboard complies with State of Texas procurement statutes. The contract price of \$178,235 includes the \$400 Buyboard fee which is paid to the vendor.

Warranty and service are provided by Mustang Cat, Inc., of Beaumont, for 3 years or 5,000 hours.

Capital Reserve Fund.

Approval of resolution.

Councilmember Smith moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF A WHEELED EXCAVATOR FOR USE BY THE STREETS AND DRAINAGE DIVISION FROM MUSTANG CAT, INC., OF HOUSTON, TEXAS, IN THE AMOUNT OF \$178,235 THROUGH THE BUYBOARD COOPERATIVE PURCHASING PROGRAM.** Councilmember Getz seconded the motion.

**AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Resolution 14 - 139**

**PUBLIC HEARING**

- \* Receive comments related to a contract with the Federal Transit Administration (FTA) to receive Operating Assistance funds for the Beaumont Municipal Transit System for FY 2014; an application for Congestion Mitigation and Air Quality (CMAQ) funding; and to receive additional federal funding through TxDOT

Public Hearing Open: 1:50 p.m.

**None**

Public Hearing Closed: 1:51 p.m.

8. Consider approving a resolution authorizing the City Manager to execute a contract with the Federal Transit Administration (FTA) to receive Operating Assistance funds for the Beaumont Municipal Transit System for FY 2014; to apply for and receive Congestion Mitigation and Air Quality (CMAQ) funding; and to receive additional federal funding through TxDOT.

Beaumont Municipal Transit has prepared a grant application for FY 2014 FTA funds. The grant will help fund the labor, fringe benefits, parts and supplies, purchased services, utilities, insurance, licenses, and all other miscellaneous expenses needed for the operation and maintenance of the Beaumont Municipal Transit (BMT) System in FY 2014,

the period from October 1, 2013 through September 30, 2014.

Beaumont Municipal Transit is also applying for Congestion Mitigation and Air Quality (CMAQ) funding which would provide for the purchase of three (3) new CNG powered transit buses. Rather than the normal local match requirement of 20% by the City of Beaumont, the 20% local match would be provided by TXDOT through environmental credits. There will be no cost to the City for the purchase of these vehicles.

TxDOT is applying for FTA funds in the amount of \$473,397. This amount will cover the purchase of four (4) replacement vehicles and renovations to the Transit facility (see attached). TXDOT will again provide the local 20% match through environmental credits and there will be no cost to the City for these expenditures.

The operating assistance grant will pay up to 50% of the net operating deficit.

The CMAQ grant will pay 100% of three new buses.

The TxDOT capital assistance grant will pay 100% of the new vehicles and facility renovations.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO SUBMIT TWO (2) GRANT APPLICATIONS AND EXECUTE TWO (2) CONTRACTS WITH THE FEDERAL TRANSIT COMMISSION (FTA) TO RECEIVE AN OPERATING ASSISTANCE GRANT IN THE AMOUNT OF \$ 2,015,602 AND A CAPITAL ASSISTANCE GRANT IN THE AMOUNT OF \$1,500,000 FOR THE BEAUMONT MUNICIPAL TRANSIT SYSTEM.** Councilmember Smith seconded the motion.

**AYES: MAYOR AMES, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH**

**NAYS: NONE**

**MOTION PASSED**

**Resolution 14 - 140**

## **COUNCILMEMBER COMMENTS**

**MAYOR PRO TEM COLEMAN -**

**ABSENT**

**COUNCILMEMBER GETZ -**

**NONE**

**COUNCILMEMBER WRIGHT -**

**STATED HOW PROUD OF MAYOR PRO TEM COLEMAN SHE IS IN HIS SUCCESS WITH LET'S MOVE! AND HIS NEW PROJECT OF A REGIONAL HEALTH COALITION, DR. COLEMAN WAS HONORED AS AN INDIVIDUAL CHAMPION AT THE IT'S TIME TEXAS SUMMIT AWARDS**

**COUNCILMEMBER PATE -**

**COMMENTED ON THE ATTENDANCE FOR THE JUNETEENTH CELEBRATION AT TYRRELL PARK ON SATURDAY, ENCOURAGED CITIZENS TO VISIT TYRRELL PARK FOR IT'S**



GOLF COURSE, REMINDED EVERYONE TO ATTEND LUNCH AT THE LAKE ON MONDAYS, ENCOURAGED EVERYONE TO COME OUT AND SEE THE EVENT CENTER AND PLAYGROUND

**COUNCILMEMBER SAMUEL -**

STATED WHAT A WONDERFUL EVENT THE JUNETEENTH FESTIVAL ON SATURDAY WAS AND THAT HE'D NEVER SEEN THAT MANY PEOPLE AT TYRRELL PARK BEFORE, EVERYONE SEEMED TO ENJOY THEMSELVES, IT WAS ANOTHER GREAT DAY IN BEAUMONT

**COUNCILMEMBER SMITH -**

NAACP FREEDOM FUND BANQUET TOOK PLACE FRIDAY NIGHT TO AWARD SCHOLARSHIPS, THE PRIDE PARADE AND JUNETEENTH FESTIVAL WERE ON SATURDAY, THANKED COUNCILMEMBERS GETZ, WRIGHT, PATE AND SAMUEL AND CITY ATTORNEY COOPER FOR ATTENDING THE JUNETEENTH FESTIVAL, THERE WERE APPROXIMATELY 8,000 PEOPLE IN ATTENDANCE, THERE WERE SOME ISSUES THAT WERE TAKEN CARE OF BUT OVERALL IT WAS A GOOD TIME

**CITY ATTORNEY COOPER -**

NONE

**CITY MANAGER HAYES -**

ABSENT

**MAYOR AMES -**

STATED THAT SHE MISSED THE MANY FESTIVITIES DUE TO ATTENDING THE UNITED STATES CONFERENCE OF MAYORS. SHE SERVES ON TWO COMMITTEES – COMMUNICATION AND TRANSPORTATION – A LOT OF ISSUES WERE DISCUSSED, CITIZENS THAT ARE AWARE OF THE COMMITTEES SHE'S ON WERE ABLE TO BRING CONCERNS TO HER SO THAT A COMPROMISE COULD BE REACHED BETWEEN THE CITIZENS AND INDUSTRY, THANKED COUNCIL FOR HOLDING DOWN THE FORT IN HER ABSENCE, ANOTHER GREAT DAY IN BEAUMONT

**Public Comments** (Persons are limited to three minutes)

**Landry Rountree**

**1565 S. Major**

**Beaumont TX**

Spoke against the Pride Parade held in the city over the past weekend, quoted scripture and literary works

**Rick Williams**

**510 Carriage**

**Nederland, TX**

Thanked the City for the Juneteenth celebration, feels that some took advantage of the event to promote Democratic candidates, which is a violation of ethics law and a Class A misdemeanor of statutes in the election code, hopes the responsible parties will do the right thing and turn themselves in to the District Attorney and, if they're a candidate, to self file a complaint with the Ethics Commission

**Renata Rawlins**

**2698 Forrest St.**

**Beaumont, TX**

Questioned the purchase of new city vehicles when her street is still in need of repair

**Christopher Jones**

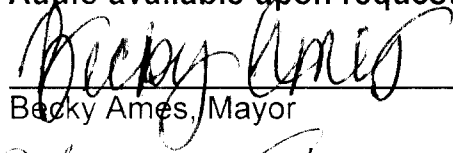
**1045 Doucette Ave.**

**Beaumont, TX**

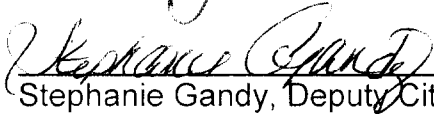
Raised the question as to why there are new vehicles being purchased when so many city streets are in need of being repaired

With there being no Executive Session, Council adjourned at 2:11 p.m.

**Audio available upon request in the City Clerk's Office.**



Becky Ames, Mayor



Stephanie Gandy, Deputy City Clerk

